

ELECTION

Claims 1-7 and 9-17 are pending.

The restriction requirement of 05 October is withdrawn,

A new restriction requirement has issued.

Restriction is required to one of Group I (claims 1-7 and 11-17 drawn to a method of investigating a body fluid for cancer cells) and Group II (claims 9 and 10 drawing to a kit).

In response, the undersigned provisionally elects Group I (method claims 1-7 and 11-17) with traverse.


The restriction was deemed appropriate on the basis that the two groups do not relate to a single inventive concept since the technical feature linking the groups is known from Boer et al. (Genome Research 11(11), 1861 – 1870 (2001)).

Traverse is on the basis that Boer et al. fails to teach the technical feature of a thioredoxin reductase gene. The thioredoxin-dependent peroxide reductase I mentioned in Boer et al. is not a thioredoxin reductase. Said thioredoxin-dependent peroxide reductase I is a peroxidase which catalyzes the conversion of reduced thioredoxin to oxidized thioredoxin and water by means of hydrogen peroxide. In contrast, thioredoxin reductase of the invention is an enzyme which catalyzes the NADPH-dependent reduction of thioredoxin-S<sub>2</sub> (oxidized form) to thioredoxin-(SH)<sub>2</sub> (reduced form), See page 16, lines 24 to 28, of the application. Therefore, the assertion in the Office Action that Boer et al. anticipate the technical feature linking the inventions of Groups I and II is not appropriate.

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Withdrawal of the restriction requirement and examination of all claims is requested.

Respectfully submitted,  
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